REMARKS

Claims 1-24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Courville et al. (US Patent Number 5,579,381) in view of Walance (US Patent Number 6,215,854). Applicants respectfully disagree.

Applicant's invention relates to a method for sending a server-specified message to a CPE without setting up a call path between the application server and the CPE. As used in the patent application, the term call path refers to a circuit switched call associated path.

In the preferred embodiment of Applicants' invention, an application server sends a predefined short burst of fixed data to the switch. The <u>switch then determines a message associated with this predefined short burst of data, and sends this associated message to the CPE</u>. In this embodiment, the message is generated by the switch based upon a predetermined message or identifier sent from the application server.

The switch allows a service provider, using normal switch functionality, to obtain a no-ring connection to a CPE <u>regardless of the features that have been assigned to the CPE</u>. For example, a connection is made to the CPE if the end user has invoked call forwarding, call blocking, has been disconnected for non payment, or has invoked vacation service. Communications to the CPE is provided when the CPE presents line appearance to the switch, such as when the CPE is serviced through normal loops or loops containing integrated, remote, or concentrated Digital Loop Carrier (DLC) equipment.

Applicants' invention thereby provides a mechanism for sending data from an application server to a CPE <u>without setting up a call path</u> between the server and the CPE, <u>and without being affected by features of the CPE</u>.

The Courville reference relates to a method for providing traditional suppressed ringing access. The terminating switch receives a suppressed ringing request. See column 3, line 61 through column 4, line 53. The processor in the terminating switch checks to ensure that the suppressed ringing feature is enabled for the requested subscriber line. See column 5, lines 13-18. If the subscriber line is busy, the attempted connection is not completed. See column 5, lines 22-28. The server sends a modem burst to the terminal to request that the terminal go off-hook. See column 5, lines 42-45. Once off-hook, a connection is established and transmitted between

Garland 45-8-54   9

the server and the terminal. See column 5, line 50 through column 6, line 2. When the suppressed ringing call is complete, the connection is taken down and the terminating switch sends a message to the terminal to go back on-hook. See column 6, lines 17-25.

Claim 1 of Applicants' invention relates to a method for sending a message to a CPE without setting up a call path between the application server and the CPE. The Courville reference clearly establishes a call path between server 10 and subscriber line 22. See column 1, lines 45-57; and column 1, line 62 through column 2, line 2. The Courville reference details the process of setting up the connection, which includes sending an Initial Address Message (IAM) for the originating switch to the terminating switch. See column 2, lines 16-19. An IAM is the first message of a call set-up, and generally includes all of the information required to route a call. Therefore, the Courville reference does not teach or suggest sending a message to a CPE without setting up a call path.

The Office Action admits that the Courville reference does not teach the setting up of a call path between the application server and a CPE, and relies on the Walance reference to make up for this deficiency. The Walance reference relates to a test set. Further, the Office Action states that the Walance reference "discloses call waiting mechanism with no ringing and without setting up a call path between server and the CPE." The Office Action points to column 3, line 45 through column 4, line 8 of the Walance reference for support of this position. The Walance reference relates to a test set placing a call to an ADSI server. See column 3, lines 45-46. The ADSI sends signals to the test set. See column 3, lines 46-51. The test set then sends a DTMF acknowledgment sequence back to the ADSI server. See column 3, lines 51-53. The ADSI server sends ADSI information to the test set, and the test set sends a DTMF acknowledgement sequence back to the ADSI server. See column 3, lines 56-59.

Therefore, the Walance reference does not teach or suggest a call waiting mechanism with no ringing and without setting up a call path between a server and a CPE. The test set of the Walance reference is in communication with an ADSI server, not a CPE. Without this teaching, a *prima facie* case of obviousness has not been shown, and the rejection of claim 1 under 35 U.S.C. 103 cannot stand.

In addition, column 3, line 66 through column 4, line 8 of the Walance reference mentions call waiting, but in a similar manner to the ADSI server above. The test set sends a DTMF acknowledgement sequence <u>back to a central office, not to a CPE</u>.

Even if the test set is assumed to be a CPE, the connection between it and the ADSI server would be over a call path. Therefore, the Walance reference does not teach or suggest a call waiting mechanism with no ringing and without setting up a call path.

Claim 1 also calls for sending a predetermined <u>server-specified message</u> based upon the request <u>from the switch to the CPE</u>. In the preferred embodiment of Applicants' invention, an application server sends a predefined short burst of fixed data to the switch. The switch then determines a message associated with this predefined short burst of data, and <u>the switch</u> sends this associated message to the CPE. In this embodiment and in claim 1, the message is generated <u>by the switch</u> based upon a predetermined message or identifier sent from the application server.

The Courville reference, in contrast, sends the suppressed ringing messages from <u>the server</u> to the terminal. See FIG. 2, CALL CONTENT signal; and column 5, line 65 through column 6, line 16. Further, the Courville reference affirmatively states that "Once the connection between the server 10 and the terminal 20 is made, the transfer of information between the server 10 and the terminal 20 occurs <u>without any involvement</u> of the processors 114, 124 <u>of the originating and terminating switches</u> 110, 120." See column 6, lines 12-26. Therefore, the Courville reference does not teach or suggest sending a message from the switch to the CPE.

Further, claim 1 calls for sending a message to a CPE that is <u>not affected by features of the CPE</u>. For example, a connection is made to the CPE if the end user has invoked call forwarding, call blocking, has been disconnected for non payment, or has invoked vacation service. Communications to the CPE is provided when the CPE presents line appearance to the switch, such as when the CPE is serviced through normal loops or loops containing integrated, remote, or concentrated Digital Loop Carrier (DLC) equipment.

The Courville reference does not teach or suggest sending a message to a CPE that is not affected by features of the CPE. In contrast, the Courville reference lists numerous examples of features that will prevent a suppressed ringing connection to be established, including denial of access to the subscriber line by the server, checking whether the subscriber line is assigned on the

Garland 45-8-54   11

terminating switch, and checking to verify that thee suppressed ringing feature is enabled for the subscriber line. See column 4, line 62 through column 5, line 22. Therefore, the Courville reference does not teach pr suggest sending a message to a CPE that is not affected by features of the CPE.

Since the Courville and Walance references do not teach or suggest these various aspects of claim 1, these references cannot fairly be suggested to obviate Applicants' invention as embodied in claim 1.

Claims 2-5 depend, either directly or indirectly, from claim 1, and are not anticipated for the reasons set forth with regard to claim 1.

Claim 6 relates to a switch, and is rejected under the same rationale as set forth regarding claim 1. The switch in claim 6 includes means for determining the type of CPE message based upon the request, means for sending a predetermined message to a CPE coupled to the switch without setting up a call path between the application server and the CPE, the predetermined message not being affected by features assigned to the CPE. As stated above with regard to claim 1, these aspects of claim 6 are not taught or suggested by the Courville or Walance references, whether taken individually or in combination.

Claims 7-10 depend, either directly or indirectly, from claim 6, and are not anticipated for the reasons set forth with regard to claim 6.

Claim 11 relates to a switch, and is rejected under the same rationale as set forth regarding claim 6. As stated above with regard to claim 6, these aspects of claim 11 are not taught or suggested by the Courville or Walance references, whether taken individually or in combination.

Claims 12-14 depend, either directly or indirectly, from claim 11, and are not anticipated for the reasons set forth with regard to claim 11.

Claim 15 relates to a switch, and is rejected under the same rationale as set forth regarding claim 11. As stated above with regard to claim 11, these aspects of claim 15 are not taught or suggested by the Courville or Walance references, whether taken individually or in combination.

Garland 45-8-54   12

Claim 16 relates to a communication system for sending predetermined messages to Customer Premises Equipment (CPE) without setting up an end-to-end call path, and is rejected under the same rationale as set forth regarding claim 6. As stated above with regard to claim 6, these aspects of claim 16 are not taught or suggested by the Courville or Walance references, whether taken individually or in combination.

Claims 17-24 depend, either directly or indirectly, from claim 16, and are not anticipated for the reasons set forth with regard to claim 16.
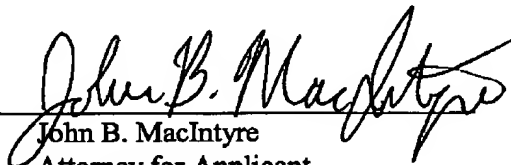
Therefore, the Courville and Walance references do not teach or suggest Applicant's invention as embodied in claims 1-24.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 1-24 under 35 U.S.C. 103(a), and allow claims 1-24. Applicants believe that the application is in condition for allowance. Favorable reconsideration of this application in light of the above is respectfully requested. If a telephone interview with Applicants' Attorney would further the prosecution of the present application, the Examiner is invited to contact the undersigned at the indicated telephone number.

Respectfully,

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Garland 45-8-54   13